

Department of State

INCOMING
TELEGRAM

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ACTION ARA-16

BUENOS 03666 191757Z

5/19/81

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INFO OCT-01 ADS-00 INR-10 SS-15 OIC-02 CIAE-00 ICA-11
DODE-00 H-01 IO-15 NSC-05 NSAE-00 HA-06 PM-09
PA-01 SP-02 SPRS-02 /096 W

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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 9588
INFO USMISSION GENEVA
USMISSION USUN NEW YORK

AQ 089

BUENOS AIRES 3666

E.O. 12065: GDS 5/19/87 (FRIEDMAN, TOWNSEND B.) OR-P
TAGS: SHUM AR
SUBJECT: CELS DEFENDANTS ABSOLVED; MIGNONE'S PASSPORT

REF: (A) BUENOS AIRES 3352, (B) BUENOS AIRES 3449,
(C) STATE 120250

1. (U) THE FEDERAL JUDGE RESPONSIBLE FOR THE CASE INVOLVING THE SIX ACTIVISTS FROM THE CENTER OF LEGAL AND SOCIAL STUDIES (CELS) FORMALLY ABSOLVED THEM OF ALL CHARGES MAY 15. THOUGH ARGENTINE LAW STIPULATES THE GOVERNMENT MUST MAKE APPEAL, THE CELS DEFENDANTS FEEL THE CASE IS NOW OVER.
2. (U) IN HIS DECISION, THE JUDGE ALSO ORDERED THAT DOCUMENTS FOUND IN CELS OFFICES CONCERNING ELENA HOLMBERG, AN ARGENTINE DIPLOMAT WHO DISAPPEARED IN 1978 AND THEN WAS FOUND DEAD NEAR BUENOS AIRES, BE TURNED OVER TO THE JUDGE INVESTIGATING HER DEATH.
3. COMMENT: THE CELS CASE NOW APPEARS CLOSED, IN WHAT BY ANY MEASURE IS AN ACT OF JUDICIAL INDEPENDENCE. WE DOUBT THAT THE JUDGE LOOKING INTO HOLMBERG'S DEATH WILL BE ABLE TO DO MUCH WITH THE INFORMATION FOUND IN THE CELS FILES -- WHICH WE UNDERSTAND POINTS TO RESPONSIBILITY OF A NAVY SECURITY ORGANIZATION IN HER DEATH. HOWEVER, AS WE NOTED IN REFTEL THIS EXAMPLE OF WHAT THE COURTS MIGHT DO IF AND WHEN MILITARY RULE ENDS IS PROBABLY NOT LOST ON THE ARMED FORCES.
4. IN ANOTHER LEGAL DECISION WHICH DISPLAYED JUDICIAL INDEPENDENCE, AN ADMINISTRATIVE COURT JUDGE ON MAY 15 ORDERED THE ARGENTINE FEDERAL POLICE TO ISSUE A PASSPORT TO FILIO MIGNONE, CELS ACTIVIST AND DEFENDANT IN THE ABOVE PROCEEDINGS. THE POLICE CLAIMED THAT THE CELS CASE AND A TRAFFIC INFRACTION MADE IT ILLEGAL FOR THEM TO ISSUE MIGNONE HIS PASSPORT. MIGNONE, IN RESPONSE, OBTAINED WRITTEN OPINIONS FROM THE TWO JUDGES HANDLING THESE CASES THAT THESE MATTERS DID NOT CONSTITUTE IMPEDIMENTS TO MIGNONE'S TRAVELS OUTSIDE THE COUNTRY. ACCORDINGLY, THE ADMINISTRATIVE COURT FOUND THE POLICE ACTION ILLEGAL AND ORDERED THE POLICE TO ISSUE HIM HIS PASSPORT WITHIN TEN WORKING DAYS. MIGNONE IS NOW PURSUING HIS PASSPORT APPLICATION. HE POINTED OUT THE POLICE COULD APPEAL THE COURT ORDER DELAYING ITS ISSUANCES.

RUSEP

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(X) Release () Excise () Deny

Exemption(s):

Declassify: () In Part (X) In Full

() Classify as () Extend as () Downgrade to

Date Declassify on Reason

Lot 82D275

Box 3541

(2/17)

UNCLASSIFIED